

**Notice of Allowability**

Application No.

09/800,633

Examiner

Wenpeng Chen

Applicant(s)

SCHWARTZ ET AL.

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to after final amendments filed on 11/22/2004.
2. ☒ The allowed claim(s) is/are 1-30, 33-34, 37-41, and 44-45 (now renumbered as 1-3, 7-9, 13-15, 19-23, 2630, 33-34, 4-6, 10-12, 16-18, 24-25, 31-32, and 35-39, respectively).
3. ☒ The drawings filed on 22 November 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Wenpeng Chen  
Primary Examiner  
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***Examiner's Amendment/Statement***

1. The amendments filed on 11/22/2004 overcome (1) the objection to drawing, (2) the objection to specification, (3) the objection to claims, and (4) the 112, first paragraph rejection set forth in paper #17.

2. Applicants' arguments filed 11/22/2004 with respect to the amended Claims 10-21 and 39-41 have been fully considered and are persuasive. The claims are entered. The amended Claims 10, 15, and 20 indeed include all the limitations of the Claims 32, 36, and 43, respectively, which are objected in paper #17. The Examiner withdrew his statement set forth in paragraph 2, page 2 of the Advisory Action mailed on 11/19/2004. The Examiner apologizes for the error.

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Kevin Shao (# 45095) on 1/26/2005.

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4. The application has been amended as follows:

In claims:

-- For Claim 29, replace [27] with -28- in line 1.

-- For Claim 41, replace [39] with -40- in line 1.

***Examiner's Statement of Reasons for Allowance***

5. Claims 31-32, 35-36, and 42-43 are canceled by the applicants.

6. Claims 1-30, 33-34, 37-41, and 44-45 (now renumbered as 1-3, 7-9, 13-15, 19-23, 26-30, 33-34, 4-6, 10-12, 16-18, 24-25, 31-32, and 35-39, respectively) are allowed.

The examiner's statement of reasons for allowance for the above-listed claims has already been given in Office Action paper #17 mailed on 8/25/2004.

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7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wenpeng Chen whose telephone number is 703 306-2796. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K Moore can be reached on 703 308-7452. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications. TC 2600's customer service number is 703-306-0377.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305-4700.

Wenpeng Chen  
Primary Examiner  
Art Unit 2624

January 26, 2005

